

Ordinance No. 121398

Council Bill No. 114804

The City of Seattle - Legislative Department
Council Bill/Ordinance sponsored by:

AN ORDINANCE vacating a portion of Ward Street between Yale Avenue North and Fairview Avenue North on the petition of the Fred Hutchinson Cancer Research Center, accepting an easement for Seattle Public Utilities and accepting a Property Use and Development Agreement in relation herein. (CF 304314).

Committee Action:

2/10/04 ^{Passed} Approved unanimously 3-1

CF No.

| | | |
|------------------------------|----------------------|--|
| Date Introduced: | FEB 2 - 2004 | |
| Date 1st Referred: | To: (committee) | TRANSPORTATION |
| FEB 2 - 2004 | | |
| Date Re - Referred: | To: (committee) | |
| Date Re - Referred: | To: (committee) | |
| Date of Final Passage: | Full Council Vote: | |
| 2-17-04 | 7-0 | |
| Date Presented to Mayor: | Date Approved: | |
| 2-18-04 | 2/23/04 | |
| Date Returned to City Clerk: | Date Published: | T.O. <input checked="" type="checkbox"/> |
| 2/24/04 | 2/24 | F.T. <input checked="" type="checkbox"/> |
| Date Vetoed by Mayor: | Date Veto Published: | |
| | | |
| Date Passed Over Veto: | Veto Sustained: | |

2-17-04 Passed 7-0
(Excused: Compton, Stewart)

This file is complete and ready for presentation to Full Council. Comm

Law Department

Law Dept. Review

OMP
Review

City Clerk
Review

me
The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Richard Conlin CONLIN

Councilmember

...en Yale Avenue North and Fairview
...on Cancer Research Center, accessing
...a Property Use and Development

Committee Action:

Passed/
2/10/04 approved unanimously 3-0 yes
Conlin
Rammussen
Golden

2-17-04 Passed 7-0
(Excused: Compton, Sternbroeck)

This file is complete and ready for presentation to Full Council.

Committee:

RC 2/10/04
(Initial/Date)

Law Department

Law Dept. Review

OMP
Review

City Clerk
Review

Electronic
Copy Loaded

Indexed

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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TRANSPORTATION

| |
|--|
| 2/10/04 |
| T.O. <input checked="" type="checkbox"/> |
| F.T. <input checked="" type="checkbox"/> |
| RC |

File to com/leg
Attachment Adobe file "A"
Attachment Adobe file "B"
Attachment Adobe file "C"
Attachment Adobe file "D"
Attachment Adobe file "E"
Attachment Adobe file "F"
Attachment Adobe file "G"
Attachment Adobe file "H"
Attachment Adobe file "I"
Attachment Adobe file "J"
Attachment Adobe file "K"
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Attachment Adobe file "T"
Attachment Adobe file "U"
Attachment Adobe file "V"
Attachment Adobe file "W"
Attachment Adobe file "X"
Attachment Adobe file "Y"
Attachment Adobe file "Z"

ORDINANCE 121398

AN ORDINANCE vacating a portion of Ward Street between Yale Avenue North and Fairview Avenue North on the petition of the Fred Hutchinson Cancer Research Center, accepting an easement for Seattle Public Utilities and accepting a Property Use and Development Agreement in relation herein, (CF 304314).

WHEREAS, there has been filed with the City Council the petition of the Fred Hutchinson Cancer Research Center (CF 304314) for the vacation of a portion of Ward Street between Yale Avenue North and Fairview Avenue North as herein fully described; and

WHEREAS, following a public hearing on said petition, which commenced on June 19, 2001, said petition was conditionally granted by the City Council; and

WHEREAS, pursuant to Section 35.79.030, RCW, and Seattle Municipal Code Chapter 15.62, the petitioners have paid the vacation fee of \$870,000 to the City, which amount is one-half the appraised value of the property approved for vacation, according to an appraisal obtained by the Director of Transportation; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That

That portion of Ward Street as laid out in the Supplemental Plat of D.T. Denny's Second Addition to North Seattle, according to the plat thereof, recorded in Volume 3 of Plats, page 80, in King County, Washington, lying west of the west margin of Yale Avenue North and east of the easterly margin of Fairview Avenue North,

be and the same are hereby vacated; also RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any rights-of-way abutting upon said property after said vacation.

Section 2. That the utility easement for Seattle Public Utilities, King County Recording Number 20031028002183, a copy attached hereto as Attachment A, is hereby accepted.

Section 3. That the Property Use and Development Agreement, King County Recording Number 20031119001890, a copy attached hereto as Attachment B, is hereby accepted.

Section 4. That the City Clerk is hereby authorized and directed to file a copy of this Ordinance at the King County Records and Elections Division, and to deliver copies of the same to the Director of the Department of Planning and Development, and to the King County Assessor's Office.

Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 17th day of February, 2004, and signed by me in open session in authentication of its passage this 17th day of February, 2004.

Jan Drago
President of the City Council

Approved by me this 23 day of February, 2004.

Gregory J. Nickels
Gregory J. Nickels, Mayor

Filed by me this 24th day of February, 2004.

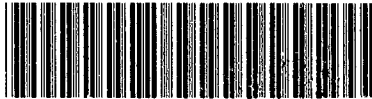
Quinn E. Lippin
City Clerk

(Seal)

Attachment A: Seattle Public Utilities Watermain Easement #20031028002183
Attachment B: Ward Street Property Use and Development Agreement #20031119001890

Return Address:

Seattle City Clerk's Office
600 4th Avenue, Room 104
Seattle, WA 98104



20040304000001

SEATTLE CITY C MISC 21.00
PAGE 001 OF 003
03/04/2004 08:38
KING COUNTY, WA

Please print or type information WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

| | |
|--|--|
| Document Title(s) (or transaction contained therein): (all areas applicable to your document <u>must</u> be filled in.) | |
| 1. ORDINANCE #121398 | |
| Re _____ of document. AN ORDINANCE vacating a portion of Ward Street between Yale Avenue North and Fairview Avenue North on the petition of the Fred Hutchinson Cancer Research Center, accepting an easement for Seattle Public Utilities and accepting a Property Use and Development Agreement in relation herein, (CF 304314). | |
| Grantor(s) (Last name first, then first name and initials) 1.City of Seattle <input type="checkbox"/> Additional names on page--- -of document. | |
| Grantee(s) (Last name first, then first name and initials) 1.N/A 2. | |
| Legal description (abbreviated: i.e. lot, block, plat or section, township, range) <input type="checkbox"/> Additional reference #s on page -----of document N/A | |
| Assessor's Property Tax Parcel/Account Number/ N/A <input type="checkbox"/> Assessor Tax # not yet assigned. | |

L:\forms\recorder.doc

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
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FILED
CITY OF SEATTLE
04 MAR 22 AM 10:58
CITY CLERK

MoirGray/mjg
WardStVacOrd
11/25/03
Version 1

ORDINANCE 121398

AN ORDINANCE vacating a portion of Ward Street between Yale Avenue North and Fairview Avenue North on the petition of the Fred Hutchinson Cancer Research Center, accepting an easement for Seattle Public Utilities and accepting a Property Use and Development Agreement in relation herein, (CF 304314).

WHEREAS, there has been filed with the City Council the petition of the Fred Hutchinson Cancer Research Center (CF 304314) for the vacation of a portion of Ward Street between Yale Avenue North and Fairview Avenue North as herein fully described; and

WHEREAS, following a public hearing on said petition, which commenced on June 19, 2001, said petition was conditionally granted by the City Council; and

WHEREAS, pursuant to Section 35.79.030, RCW, and Seattle Municipal Code Chapter 15.62, the petitioners have paid the vacation fee of \$870,000 to the City, which amount is one-half the appraised value of the property approved for vacation, according to an appraisal obtained by the Director of Transportation; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That

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be and the same are hereby vacated; also RESERVING to the City of Seattle the right to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any rights-of-way abutting upon said property after said vacation.

Section 2. That the utility easement for Seattle Public Utilities, King County Recording Number 20031028002183, a copy attached hereto as Attachment A, is hereby accepted.



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MoinGray/mjg
WardStVacOrd
11/23/03
version 1

1 Section 3. That the Property Use and Development Agreement, King County Recording
2 Number 20031119001890, a copy attached hereto as Attachment B, is hereby accepted.

3 Section 4. That the City Clerk is hereby authorized and directed to file a copy of this
4 Ordinance at the King County Records and Elections Division, and to deliver copies of the same
5 to the Director of the Department of Planning and Development, and to the King County
6 Assessor's Office.
7

8 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after
9 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
10 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
11

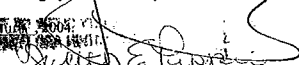
12 Passed by the City Council the 17th day of February 2004, and signed by me in open
13 session in authentication of its passage this 17th day of February, 2004.
14

15 
16 President of the City Council

17 Approved by me this 23 day of February, 2004.

18 
19 Gregory J. Nickels, Mayor

20 Filed by me this 24 day of February, 2004.

21 
22 City Clerk

23

24 (Seal) 

25 Attachment A: Seattle Public Utilities Watermain Easement #20031028002183

26 Attachment B: Ward Street Property Use and Development Agreement #20031119001890
27
28

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STATE OF WASHINGTON
COUNTY OF KING
CITY OF SEATTLE

} ss

I, JUDITH E. PIPPIN, CITY CLERK OF THE CITY OF SEATTLE, DO HEREBY
CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE AND CORRECT
COPY of Ordinance 121378.

AS THE SAME APPEARS ON FILE, AND ON RECORD IN THIS DEPARTMENT.

IN WITNESS WHEREOF, I HAVE HEREON SET MY HAND AND AFFIXED
THE SEAL TO THE CITY OF SEATTLE, THIS 27th day of February, 2004

JUDITH E. PIPPIN
CITY CLERK

BY: Margaret Carter
DEPUTY CLERK

ATTACHMENT A

Recording Requested By And
When Recorded Mail To:

Seattle Public Utilities
Real Estate Services/WTR
700 Fifth Avenue - Suite 4900
Seattle, WA 98104-5004



20031028002183

SEATTLE PUBLIC EAS
PAGE 001 OF 005
10/28/2003 14:44
KING COUNTY, WA

23.00

WATER MAIN EASEMENT

| | |
|---|---|
| Reference #s of Documents Released or Assigned: | none |
| Grantor(s): | Fred Hutchinson Cancer Research Center |
| Grantee(s): | The City of Seattle |
| Legal Description (abbreviated): | Pt of NW¼ of Sec 29, T 25 N, R 4 E |
| Assessor's Tax Parcel ID#: | Pt of Street Right of Way to be vacated |

The Grantor, **FRED HUTCHINSON CANCER RESEARCH CENTER**, a Washington Nonprofit Corporation, insofar as it has rights or title, or any hereafter acquired rights or title, for and in consideration of ONE and NO/100THS DOLLARS (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, hereby conveys to the Grantee, **THE CITY OF SEATTLE**, a municipal corporation of the State of Washington, an easement for a water main and appurtenances, including connecting water service pipes, over, under, across and along the following described real property in King County, Washington for the construction, reconstruction, alteration, operation, maintenance and repair of the aforesaid water service facilities as legally described on Exhibit A attached hereto and as depicted on Exhibit B attached hereto.

Grantee or its agents shall have the right without prior institution of any suit or proceeding at law, at such times as may be necessary, to enter upon said easement area for the purposes herein described, without incurring any legal obligation or liability therefor, provided that such work shall be accomplished in such a manner that the private improvements existing in said working area shall not be disturbed or destroyed, or in the event that they are disturbed or destroyed, they shall be replaced in as good condition as they were immediately before the property was entered upon the by City.

Geocode 36-004

Page 1 of 3 pages

EXCISE TAX NOT REQUIRED
King Co. Records Division

By *SV N.V.* Deputy

Attachment A



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WATER MAIN EASEMENT

Grantor shall have the right to use said property for any other legal purpose not inconsistent with the rights herein granted. Grantor shall also have the right to relocate at its sole expense the water service facilities within the easement area or to another location on Grantor's property to accommodate future development of Grantor's property. Grantor shall not, however, undertake any relocation of the water service facilities without first receiving in writing the written approval of Grantee as to the location, engineering design, and conditions of relocation.

Grantor hereby agrees that no building, fence, wall, rockery, trees, shrubbery or obstruction of any kind shall be erected or planted, or any fill material placed (collectively "Improvements") within the boundaries of said easement area without the express written permission of the City of Seattle's Director of Seattle Public Utilities, and that no excavation shall be made within three feet of said water service facilities and that the surface level of the ground within the easement area shall be maintained at the same elevation as the base of the hydrant. In the event that express written permission for any Improvement is granted by Grantee to Grantor, Grantor hereby acknowledges that (1) all such Improvements shall be installed at the Grantor's sole risk and expense; (2) that Grantee shall have the right to alter or destroy any such Improvement in the event that Grantee, in its sole discretion, requires access to its facilities; and (3) Grantee shall have no duty to repair any such alterations or changes. Subject to the foregoing, Grantee hereby acknowledges its approval of the installation of certain improvements to the easement area, as specifically set forth in those certain plans of Grantor approved by Grantee on November 2, 2002 and entitled Ward Street Water Main Improvements, City of Seattle Vault Plan No. 887-68, and the surface improvements (landscape, hardscape, lighting, irrigation, etc.) approved by City of Seattle Department of Design, Construction and Land Use under Permit No. 731933, issued November 19, 2002.

Grantor hereby agrees that no other utility facilities, such as conduits, cables, pipelines, vaults, poles, posts, whether public or private, will be installed within five (5) horizontal feet of the water line. All crossings must maintain a minimum vertical clearance of 12 inches from said water line. Sewer crossings must maintain a minimum vertical clearance of 18 inches from said water line. (Crossing of said utilities under water line must maintain a minimum vertical clearance of 6 inches from the bottom of said water line.)

Also granting to the Grantee, its agents or assigns, the use of such additional area immediately adjacent to said easement area as shall be required for the construction, reconstruction, maintenance and operation of said water service facilities within the above described easement area, the use of such additional area to be held to a minimum and returned to a condition as good as it was immediately before the property was entered upon by Grantee or its agents.



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WATER MAIN EASEMENT

Grantor waives any present or future claim against the City relating to hazardous substances, pollutants, or contaminants, and shall indemnify and defend the City from any such claim, including enforcement action by a regulatory agency, unless the hazardous substances, pollutants or contaminants result from the City's operations.

This agreement and each of the terms, provisions, conditions and covenant herein, shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successor and assigns.

Dated this 22 day of October, 2003.

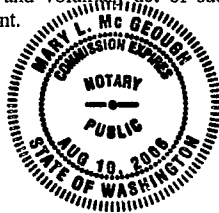
FRED HUTCHINSON CANCER RESEARCH CENTER,
a Washington Nonprofit Corporation

By: [Signature]
Guy Ott, Vice President of Facilities & Operations

STATE OF WASHINGTON)
 : ss.
County of King)

GIVEN under my hand and official seal the day and year last above written.

I certify that I know or have satisfactory evidence that Guy Ott signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Vice President of Facilities and Operations, Fred Hutchinson Cancer Research Center to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.



Mary L. McGeough
Notary (print name) MARY L. McGeough
Notary Public in and for the State of Washington,
residing at King County
My Appointment expires 8-18-06

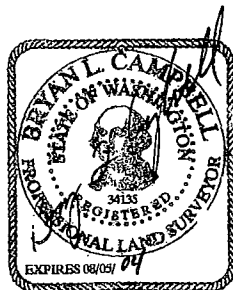


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**EXHIBIT A
LEGAL DESCRIPTION**

BEGINNING AT THE INTERSECTION OF THE WEST MARGIN OF YALE AVENUE NORTH AND THE NORTH MARGIN OF WARD STREET PER PLAT OF D.T. DENNY'S 2ND ADDITION TO NORTH SEATTLE RECORDED IN VOLUME 3 OF PLATS, PAGE 80, RECORDS OF KING COUNTY, WASHINGTON STATE;
THENCE NORTH 89°38'46" WEST, ALONG SAID NORTH MARGIN, 156.00 FEET;
THENCE SOUTH 00°21'14" WEST 13.00 FEET;
THENCE NORTH 89°38'46" WEST 65.80 FEET TO A POINT ON THE SOUTHEASTERLY MARGIN OF FAIRVIEW AVENUE NORTH PER CITY OF SEATTLE CONDEMNATION ORDINANCE NO. 20186;
THENCE SOUTH 41°49'43" WEST, ALONG SAID SOUTHEASTERLY MARGIN, 64.73 FEET;
THENCE SOUTH 89°38'46" EAST 33.50 FEET;
THENCE NORTH 27°36'31" EAST 32.06 FEET;
THENCE SOUTH 89°38'46" EAST 49.32 FEET;
THENCE SOUTH 00°21'14" WEST 33.00 FEET TO A POINT ON THE SOUTH MARGIN OF WARD STREET;
THENCE SOUTH 89°38'46" EAST, ALONG SAID SOUTH MARGIN, 31.00 FEET;
THENCE NORTH 00°21'14" EAST 44.00 FEET;
THENCE SOUTH 89°38'46" EAST 136.00 FEET TO A POINT ON SAID WEST MARGIN OF YALE AVENUE NORTH;
THENCE NORTH 00°48'22" EAST, ALONG SAID WEST MARGIN, 22.00 FEET TO THE POINT OF BEGINNING;

SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON.



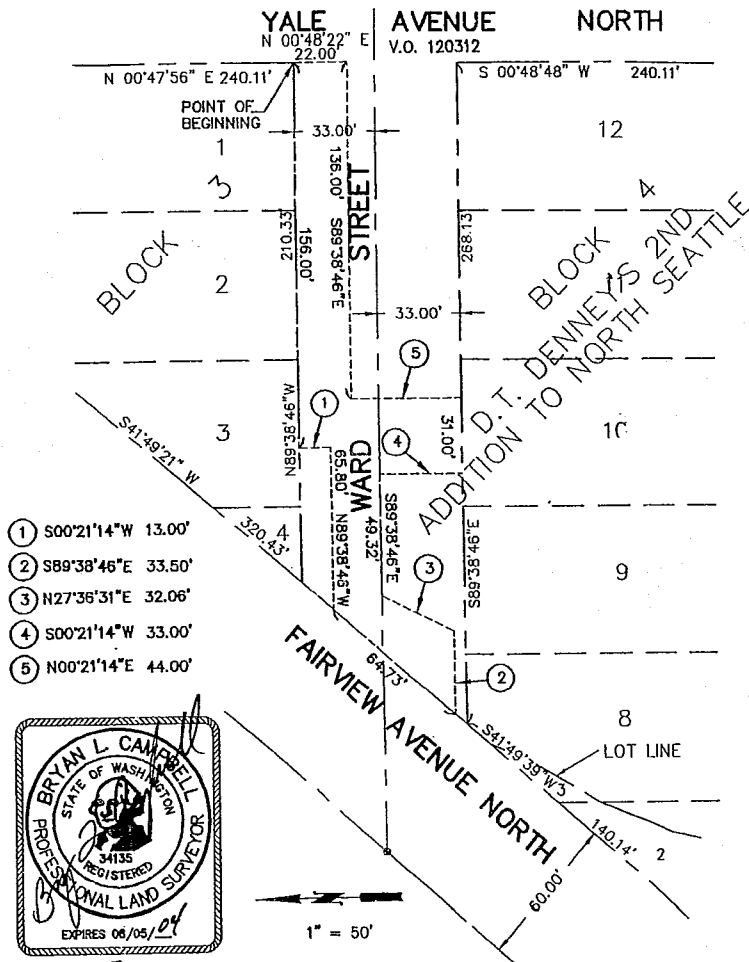
FRED HUTCHINSON CANCER
RESEARCH CENTER
BRYAN L. CAMPBELL, P.L.S.
BRH JOB NO. 98118.09
DECEMBER 4, 2002
REVISED JULY 1, 2003
REVISED OCTOBER 13, 2003

BUSH ROED & HITCHINGS, INC.
2009 MINOR AVENUE EAST
SEATTLE, WA 98102
(206) 323-4144

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EXHIBIT B



BUSH, ROED & HITCHINGS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
2009 MINOR AVE. EAST SEATTLE, WA 98102
(206) 323-4144

FRED HUTCHINSON CANCER
RESEARCH CENTER
BRH JOB NO. 98118.09
DECEMBER 5, 2002
REV. JULY 1, 2003

ACTING
CITY
CLERK

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20031119001890.001

ATTACHMENT B



AFTER RECORDING RETURN DOCUMENT TO:

G. Richard Hill
McCullough Hill Fikso Kretschmer Smith PS
2025 First Avenue, Suite 1130
Seattle, Washington 98121-2100

COURTESY RECORDING ONLY
NO LIABILITY FOR VALIDITY AND/OR
ACCURACY ASSUMED BY FIRST AMERICAN
TITLE INSURANCE COMPANY

9/14/21
CM 1829

Reference Number of Related Documents 9601161023, 20010103000920
Grantor(s) FRED HUTCHINSON CANCER RESEARCH CENTER
Grantee(s) CITY OF SEATTLE
Abbreviated Legal Description Portion of vacated Yale Avenue North, situate in
NW ¼ of S 29, T 25N, R 4E, W M in King County, WA Portion of vacated Ward
Street, situate in NW ¼ of S 29, T 25N, R 4E, W.M in King County, WA
Additional Legal Description is at Exhibit A of Document
Assessor's Property Tax Parcel or Account No 198420-0105; 198420-0130; 198420-
0411, 198420-0396, 198420-0455 198420-0135, 198420-0160

**RESTATED AND CONSOLIDATED PROPERTY USE
AND DEVELOPMENT AGREEMENT**

THIS AGREEMENT is made this date in favor of the CITY OF SEATTLE, a
municipal corporation of the State of Washington (herein, the "City") by FRED
HUTCHINSON CANCER RESEARCH CENTER, a Washington nonprofit
corporation, owner of the within described property (herein, the "Owner")

WITNESSETH.

WHEREAS, Owner is vested in fee simple title and/or has a substantial
beneficial interest in the real property situated in King County, Washington, described
as follows (herein called the "Property"):

C:\DOCS\AND SETTINGS\GOTTLOCAL SETTINGS\TEMPORARY INTERNET FILES\KIA\CONSOLIDATED.DOC

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Attachment B



Blocks 3, 4, 9, and 10, Supplemental Plat of D T Denny's 2nd Addition to North Seattle, according to the plat recorded in Volume 3 of Plats, page 80, records of King County, Washington.

and

WHEREAS, the Owner is continuing the development of a cancer research center on a portion of the Property (the "FHCRC Campus"), and

WHEREAS, in connection with the development of the FHCRC Campus, a petition was filed in 1993 (C F No 299651) pursuant to RCW Ch 35.79 and Seattle Municipal Code Ch. 15.62, by the Owner to vacate that portion of Ward Street between Yale Avenue North and Eastlake Avenue East and that portion of Yale Avenue North between Fairview Avenue North and Aloha Street, which are adjacent to the Property, and

WHEREAS, the Seattle City Council granted preliminary approval of the vacation subject to conditions, including the condition that east/west and north/south public pedestrian access corridors be provided through the Property; and

WHEREAS, the vacation of the portions of Ward Street and Yale Avenue North was proposed to be finalized in phases and, in 1996, the Owner sought and obtained final approval of the vacation of the portion of Ward Street between Yale Avenue North and Eastlake Avenue East (Ordinance No. 118021), and

WHEREAS, in connection with the final vacation of the portion of Ward Street between Yale Avenue North and Eastlake Avenue East, the Owner entered into a Property Use and Development Agreement (Recording No 9601161023) that described a temporary east/west public pedestrian access corridor through the Property and provided for the amendment of the Property Use and Development Agreement when a permanent public pedestrian access corridor is provided in connection with the development of future phases of the FHCRC Campus, and

WHEREAS, in 2001 the Owner sought and obtained final approval of the vacation of the portion of Yale Avenue North between Fairview Avenue North and Aloha Street (Ordinance No. 120312); and

WHEREAS, in connection with the final vacation of the portion of Yale Avenue North between Fairview Avenue North and Aloha Street, the Owner entered into a Property Use and Development Agreement (Recording No 20010103000920) that



described a temporary east/west public pedestrian access corridor through the Property and provided for the amendment of the Property Use and Development Agreement when a permanent public pedestrian access corridor is provided in connection with the development of future phases of the FHCRC Campus, and

WHEREAS, also in connection with the development of the FHCRC Campus, a petition was filed in 2001 (C.F. No. 304314) pursuant to RCW 35 79 and Seattle Municipal code Ch 15.62, by the Owner to vacate that portion of Ward Street between Yale Avenue North and Fairview Avenue North, and

WHEREAS, the Seattle City Council granted preliminary approval of the vacation subject to conditions, including the condition that east/west and north/south public pedestrian access corridors be continued to be provided through the property, and that a consolidated Property Use and Development Agreement be prepared that addresses the public pedestrian access required for all phases of development,

NOW, THEREFORE, the Owner hereby covenants, bargains and agrees on behalf of itself, its successors and assigns as follows

Section 1 The public shall be ensured a north/south pedestrian access corridor between the hours of 7 a.m. to 7 p.m. through the Property between Fairview Avenue North and Aloha Street, and an east/west pedestrian access corridor between the hours of 7 a.m. to 7 p.m. through the Property between Eastlake Avenue East and Yale Avenue North (the "Pedestrian Access Corridors"). The Pedestrian Access Corridor will initially be temporarily located in a portion of the vacated Yale Avenue North and Ward Street rights of way, approximately as shown on Exhibit B attached hereto and incorporated herein by this reference. The temporary Pedestrian Access Corridor will be open 24 hours a day and lighted. The Owner shall have the right to relocate and/or reconfigure the temporary Pedestrian Access Corridor to a permanent facility and location on the FHCRC Campus in connection with development of future phases of the FHCRC Campus, and Owner shall accordingly file an amendment to this Agreement describing the location of the permanent Pedestrian Access Corridor. The Owner previously presented its proposal for a temporary Pedestrian Access Corridor to the Seattle Design Commission, which approved the temporary Pedestrian Access Corridor (see Minutes of the Meeting of the Seattle Design Commission, November 2, 1995), and subsequently for constructed improvements to the north/south Pedestrian Access Corridor (see Minutes of the Meeting of the Seattle Design Commission, April 18, 2002). The Owner shall present its proposal for the permanent Pedestrian Access Corridor to the Seattle Design Commission for its review and comments prior to constructing the permanent Pedestrian Access Corridor and shall make every reasonable effort to incorporate the recommendations of the Design Commission into the proposal.



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Section 2. The Owner shall have the right from time to time to temporarily close or obstruct the Pedestrian Access Corridor for required maintenance and repair, to construct the permanent Pedestrian Access Corridor or because of circumstances beyond the Owner's control. The Owner may adopt such reasonable rules and regulations regarding the use of and access to the Pedestrian Access Corridor as are necessary to ensure the safety or security of the public users of the Pedestrian Access Corridor or the Property. In particular, future phases of construction of the FHCRC Campus may result in portions of the east/west Pedestrian Access Corridor being enclosed within a building or buildings. Access to those portions of the Pedestrian Access Corridor may be limited, for security purposes, to the hours between 7 a.m. and 7p.m. In that event, the Owner shall prepare and install revised pedestrian signage indicating the hours of access. The design and language of this revised pedestrian signage shall be subject to the review and approval of the City of Seattle's Department of Transportation.

Section 3. This Agreement shall be recorded in the records of King County and the covenants hereof shall be deemed to attach to and run with the Property and shall be binding upon the Owner, its heirs, successors and assigns. This Agreement consolidates, restates and replaces those two prior Property Use and Development Agreements recorded under Recording Numbers 9601161023 and 20010103000920 ("Prior PUDAs"). As they are now consolidated in and replaced by this Agreement, the Prior PUDAs are void and of no further force or effect.

Section 4. This Agreement may be amended or modified by agreement between the Owner and the City; provided such amended agreement shall be approved by the legislative authority of the City by ordinance. Nothing in the agreement shall be construed as a surrender of the City's governmental powers.

Section 5. This Agreement is made for the benefit of the City and the public, and the City may institute and prosecute any proceeding at law or in equity to enforce this Agreement.

Section 6. Upon the effective date of the vacation ordinance, Owner shall provide and thereafter maintain in full force and effect, commercial general liability insurance providing for a limit of not less than One Million Dollars per occurrence for all damages arising out of bodily injuries or death. The insurance policies obtained shall be approved as to form by the City Risk Manager, and shall name the City as an additional insured.

Section 7. Owner shall indemnify and hold the City harmless from any and all claims, losses, liabilities, liens, costs, or expenses resulting from or arising out of public



use of those parts of the Public Access Corridor to be preserved for public use. If any claim covered by this paragraph is asserted against the City, Owner, upon notice thereof from the City, shall defend the same at its sole cost and expense, and shall pay any final judgment rendered upon such claim.

Section 8 The Owner reserves the right to use the Pedestrian Access Corridor for any purpose which does not interfere with the public's right to use the Pedestrian Access Corridor as defined in this Agreement, including but not limited to the right to use the subsurface for construction support or tiebacks, and the right to grant easements within the Pedestrian Access Corridor.

Section 9 Notwithstanding the covenants contained herein, nothing in this Agreement shall constitute a public dedication of any portion of the Property.

Section 10 In the event any covenant or condition hereinabove contained or any portion thereof is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition or restriction herein contained.

Dated this 17th day of NOVEMBER, 2003

OWNER:

FRED HUTCHINSON CANCER
RESEARCH CENTER

By 

Its VICE PRESIDENT, FACILITIES & OPERATIONS

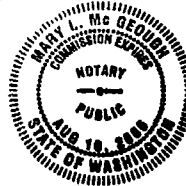
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STATE OF WASHINGTON)
) ss
 COUNTY OF KING)

On this day personally appeared before me Guy Ott, to me known to be the Vice President- fac. & Oper. of FRED HUTCHINSON CANCER RESEARCH CENTER, a Washington nonprofit corporation, the company that executed the within and foregoing instrument, and acknowledged the instrument to be the free and voluntary act and deed of said company for the uses and purposes therein mentioned, and on oath stated that he was duly authorized to execute said instrument on behalf of said company.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 17 day of November, 2003



Mary L. McGeough
 (print or type name)
MARY L. McGeough
 NOTARY PUBLIC in and for the State of
 Washington, residing at King County
 My Commission expires 8-18-06

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EXHIBIT A

Legal Description of Vacated Rights of Way

That portion of Ward Street as laid out in the Supplemental Plat of D.T. Denny's Second Addition to North Seattle, according to the plat thereof, recorded in volume 3 of plats, page 80, in King County, Washington State, lying west of the west margin of Eastlake Avenue East, as established by City of Seattle Ordinance No. 6594 and Acquisition Ordinance No. 115343 and lying east of the easterly margin of Fairview Avenue North as established by City of Seattle Ordinance No. 20186

That portion of Yale Avenue N as laid out in the Supplemental Plat of D.T. Denny's Second Addition to North Seattle, according to the plat thereof, recorded in volume 3 of plats, page 80, in King County, Washington State, lying north of the north margin of Aloha Street and lying south of the easterly margin of Fairview Avenue North as established by City of Seattle Ordinance No. 20186

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20031119001890.008

EXHIBIT B

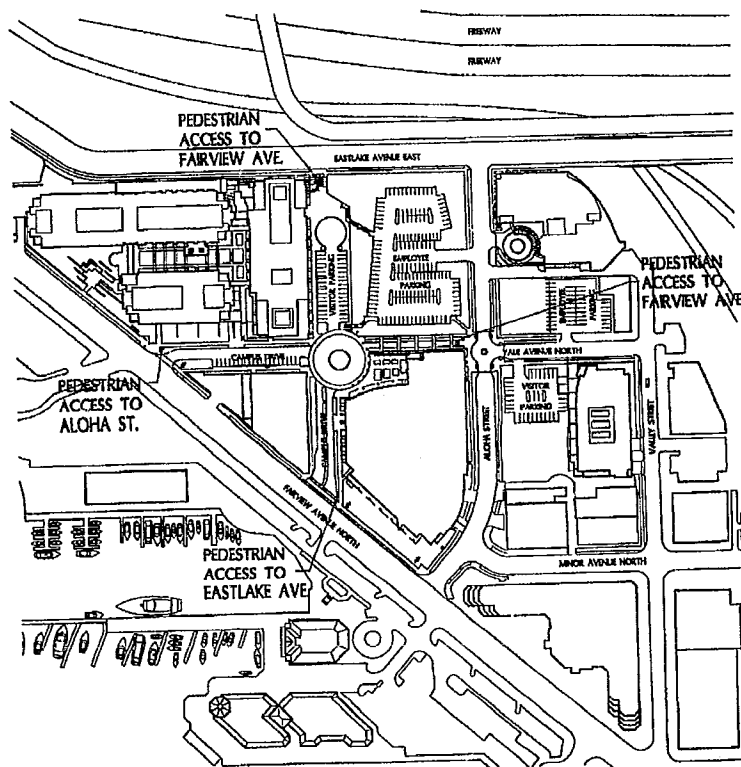
Drawing of Temporary Public Access Corridor

SEE ATTACHED

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20031119001890.009



PEDESTRIAN ACCESS SIGN LOCATION MAP

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ACTING
CITY
CLERK

MoirGray
11/25/03
WardStVacOrd
Version #1

Form revised October 13, 2003

FISCAL NOTE FOR NON-CAPITAL PROJECTS

| Department: | Contact Person/Phone: | DOF Analyst/Phone: |
|----------------|-----------------------|--------------------------|
| Transportation | Moir Gray 684-8272 | Jennifer Devore 615-1328 |

Legislation Title:

AN ORDINANCE vacating a portion of Ward Street between Yale Avenue North and Fairview Avenue North on the petition of the Fred Hutchinson Cancer Research Center, accepting an easement for Seattle Public Utilities and accepting a Property Use and Development Agreement in relation herein, (CF 304314).

• **Summary of the Legislation:**

This ordinance completes the vacation process for this petition and provides for the on-going obligations of the petitioner. It accepts a water-main easement for SPU within the vacation area and a Property Use and Development Agreement that protects the public access corridors required by the City Council Conditions.

• **Background:**

This legislation completes the vacation process for this portion of Ward Street as initiated by Fred Hutchinson Cancer Research Center. Fred Hutch petitioned for this vacation to complete their current phase of campus improvements on their 14-acre site in South Lake Union. The petition was approved by the City Council in 2001. All Council requirements have been completed or provided for in the Property Use and Development Agreement.

• *Please check one of the following:*

X **This legislation does not have any financial implications.** (Stop here and delete the remainder of this document prior to saving and printing.)

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IN THE MATTER OF THE PETITION OF FRED HUTCHINSON CANCER
RESEARCH CENTER FOR THE VACATION OF A PORTION OF WARD
STREET
CLERK FILE 304314

The City Council hereby grants approval of the petition of Fred Hutchinson Cancer Research Center (Petitioner) for the vacation of:

That portion of Ward Street as laid out in the Supplemental Plat of D.T. Denny's Second Addition to North Seattle, according to the plat thereof, Recorded in Volume 3 of Plats, Page 80, in King County, Washington State, lying west of the west margin of Yale Avenue North and east of the easterly margin of Fairview Avenue North.

It is recommended that the vacation be granted upon the petitioner meeting the following conditions. The petitioner shall provide regular updates to Seattle Transportation on the status of the development project and implementation of the conditions. The petitioner shall demonstrate that all conditions imposed by the City Council have been satisfied prior to the passage of the street vacation ordinance.

1. The vacation is granted to allow the petitioner to build a project substantially in conformity with the project presented to the City Council and for no other purpose.
2. All street improvements shall be designed to City standards and be reviewed and approved by Seattle Transportation.
3. The utility issues shall be resolved to the full satisfaction of the affected utility prior to the approval of the final vacation ordinance. This may include easements, restrictive covenants, relocation agreements, or acquisition of the utilities, which shall be at the sole expense of the petitioner.
4. The petitioner shall provide a Property Use and Development Agreement or some other mechanism to ensure that the pedestrian walkways shall remain open and accessible to the public in the future. The pedestrian walkways should provide direct access through the campus, have clear visual access across the campus, and should be accessible 24 hours per day. A consolidated Property Use and Development Agreement addressing the public access required for all phases of development shall be developed. Such consolidated agreement shall address security, signage, and hours of access.
5. The petitioner shall continue to work with the Design Commission to review the public portions of the site, including the pedestrian pathways, the streetscape, and pedestrian circulation areas and shall implement the recommendations of the Design Commission, to the extent feasible.

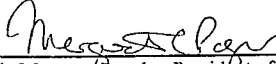


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Ward Street vacation conditions
07/06/01
Page 2 of 2

6. In addition to the conditions imposed through the vacation process, the project, as it proceeds through the permitting process, is subject to SEPA and to conditioning pursuant to various City codes and through regulatory review processes including SEPA.

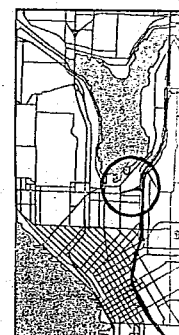
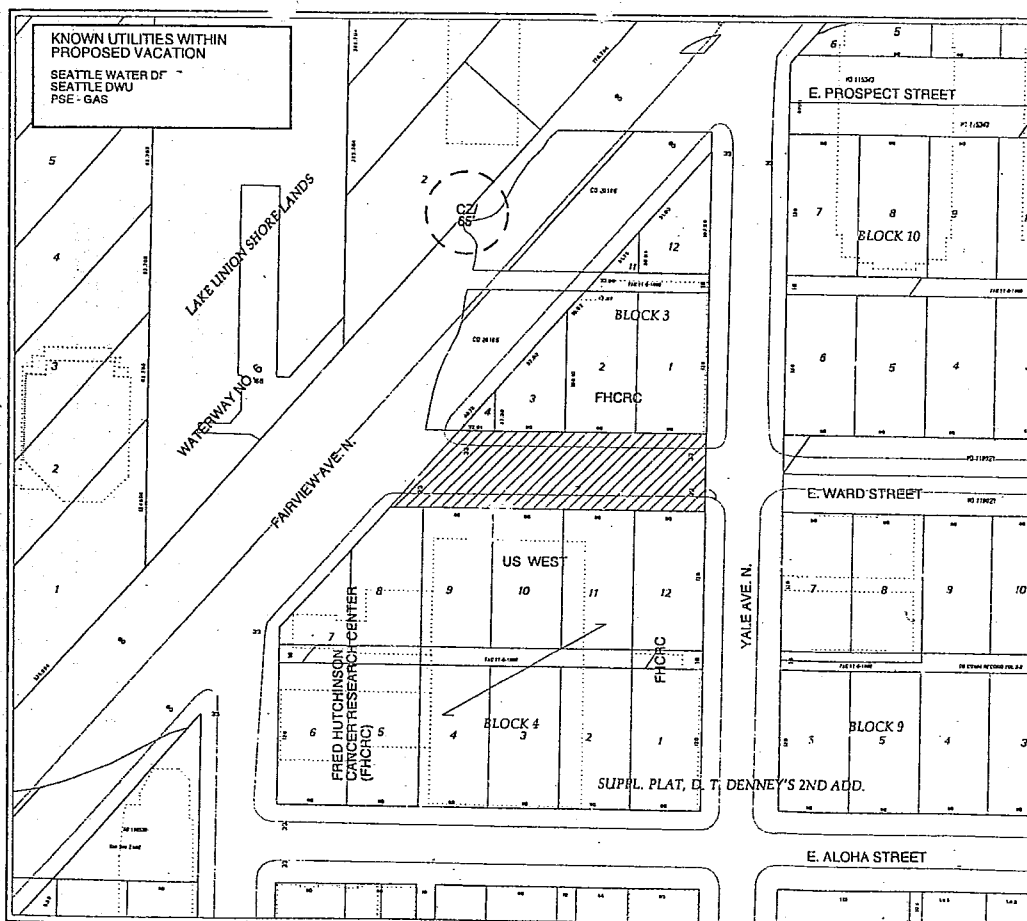
Signed by me in open session this 9th day of July, 2001.



Honorable Margaret Pageler, President of the City Council

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2653

PROPOSED VACATION AREA

VACATION AREA = 15,789 SQ. FT.

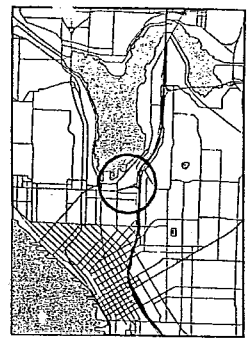
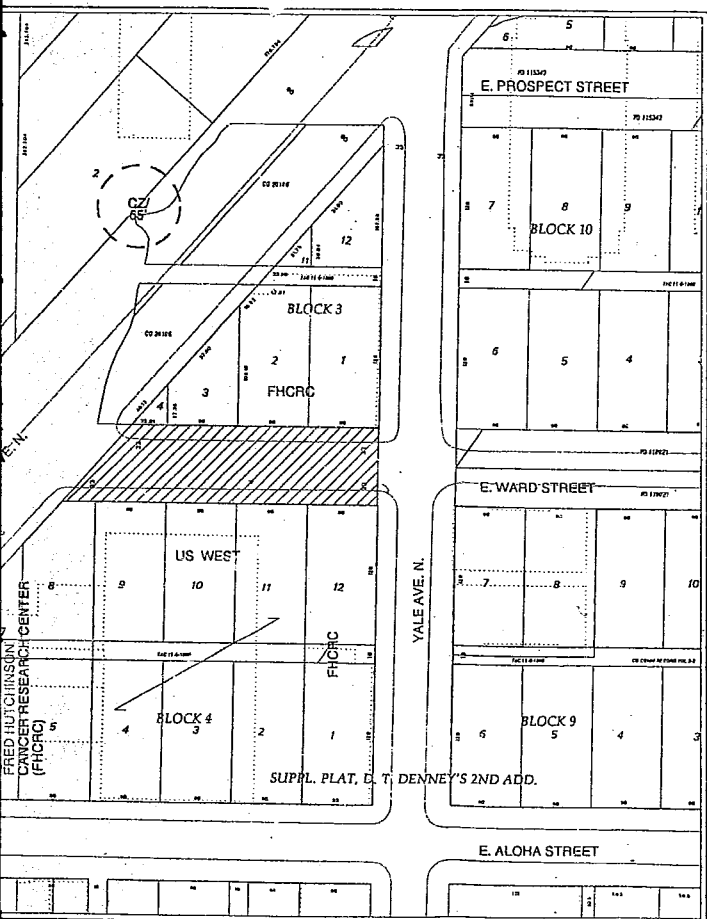
SCALE 1"=100' KROLL 36W 1/4 SECTION NW 29-25

VACATION SKETCH

CITY CLERK FILE NO. 304314
VACATION PETITION NO. 3810
VALID SIGNATURES INDICATED BY _____
DISPOSITION: APPROVD _____ DENIED _____ TERMINATED _____
INCOMPLETE SIGNATURES INDICATED BY _____
VACATION ORDINANCE NO. _____ DATE _____
MADE BY CM CHECKED BY MLS DATE 1-23-01




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VICINITY MAP

2653

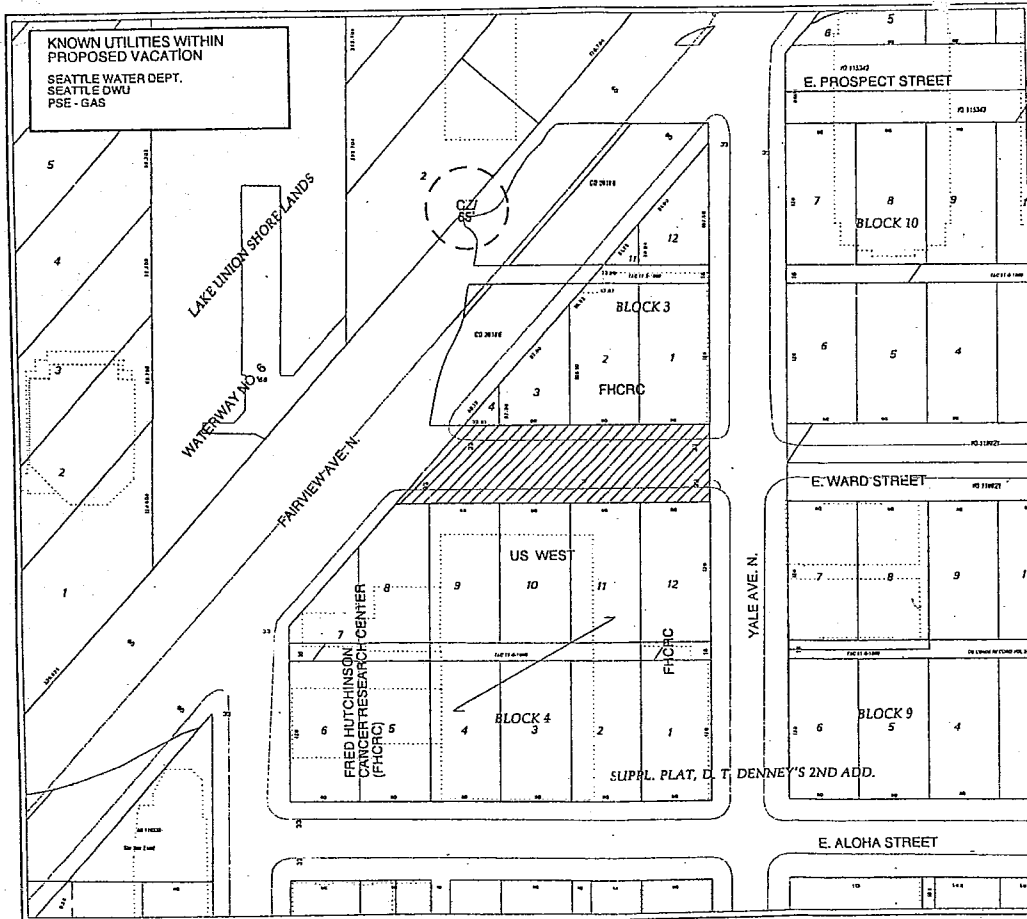
 PROPOSED VACATION AREA

VACATION AREA = 15,789 SQ. FT

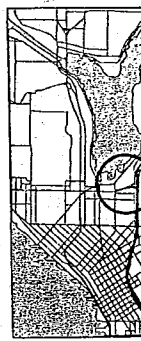
SCALE 1"=100' KROLL 36W 1/4 SECTION NW 29-25-4

VACATION SKETCH

| | | |
|------------------------------------|--------|------------|
| CITY CLERK FILE NO. | 304314 | |
| VACATION PETITION NO. | 3810 | |
| VALID SIGNATURES INDICATED BY | | |
| DISPOSITION: | | |
| APPRVD | DENIED | TERMINATED |
| INCOMPLETE SIGNATURES INDICATED BY | | |
| VACATION ORDINANCE NO. | DATE | |
| MADE BY | CM | CHECKED BY |
| MLS | DATE | 1-23-01 |



N
Scale: 1" = 100'



VICINITY
2653

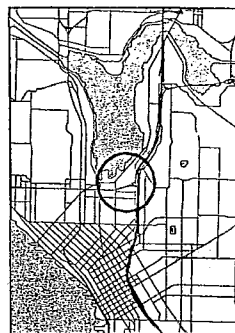
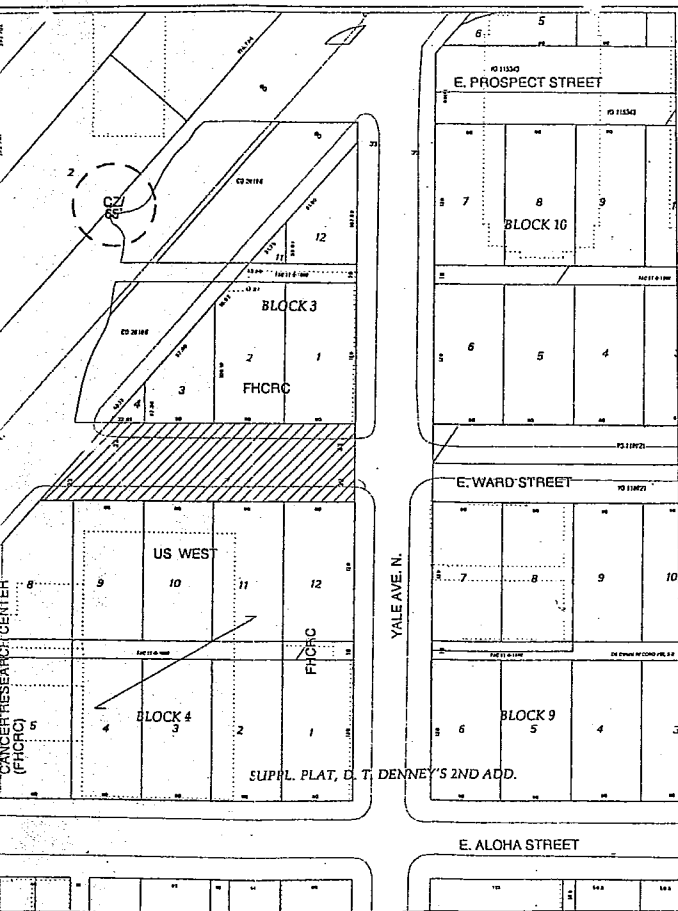
PROPOSED VACATION AREA

VACATION AREA = 15,789 SQ. FT.


SCALE 1"=100' KROLL 36W 1/4 SECTION 1

VACATION SKETCH

CITY CLERK FILE NO. 304314
 VACATION PETITION NO. 3810
 VALID SIGNATURES INDICATED BY _____
 DISPOSITION: APPROVD _____ DENIED _____ TERMINATED _____
 INCOMPLETE SIGNATURES INDICATED BY _____
 VACATION ORDINANCE NO. _____ DATE _____
 MADE BY CM _____ CHECKED BY MLS _____ DATE _____



2653

 PROPOSED VACATION AREA

VACATION AREA = 15,789 SQ. FT

SCALE 1"=100' KROLL 36W 1/4 SECTION NW 29-25-4

VACATION SKETCH

CITY CLERK FILE NO. 304314
 VACATION PETITION NO. 3810
 VALID SIGNATURES INDICATED BY _____
 DISPOSITION: _____
 APPROVD _____ DENIED _____ TERMINATED _____
 INCOMPLETE SIGNATURES INDICATED BY _____
 VACATION ORDINANCE NO. _____ DATE _____
 MADE BY CM CHECKED BY MLS DATE 1-23-91

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City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

January 12, 2004

Honorable Jan Drago
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Drago:

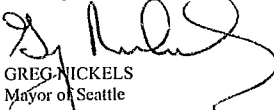
The attached proposed ordinance vacates a portion of Ward Street between Yale Avenue North and Fairview Avenue North in the South Lake Union area on the petition of the Fred Hutchinson Cancer Research Center (Fred Hutch), (Clerk File 304314). The ordinance vacates the right-of-way and accepts a Property Use and Development Agreement and a water utility easement. The vacation was conditionally approved by the City Council in 2001.

Fred Hutch has been consolidating its services and developing its South Lake Union campus since the early 1990's. This development included the vacations of Prospect Street, another portion of Ward Street, adjacent alleys, and a portion of Yale Avenue North. The vacations allowed for the construction of buildings that house the basic sciences and molecular medicine laboratories, clinical research, administration and the Cancer Care Alliance. The present Ward Street vacation supports the last of Fred Hutch's current expansion efforts, the construction of the Public Health Science building. Fred Hutch is planning future improvements within the campus, however no additional vacations are anticipated.

The list of City Council Conditions imposed on the vacation is attached to this cover letter. The Property Use and Development Agreement provides assurance that the permanent pedestrian access across the campus as required by the City Council is provided. The watermain easement protects an existing line within the right-of-way to be vacated.

Thank you for your consideration of this legislation. Should you have questions, please contact Moira Gray at 684-8272.

Sincerely,


GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



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STATE OF WASHINGTON - KING COUNTY

--SS.

169032
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

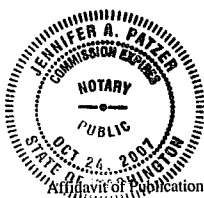
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:121398 ORD IN FULL

was published on

3/1/2004



Melinda
Subscribed and sworn to before me on
3/1/2004 Jennifer A. Patzer
Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 151988

AN ORDINANCE vacating a portion of Ward Street between Yale Avenue North and Fairview Avenue North on the petition of the Fred Hutchinson Cancer Research Center, accepting an easement for Seattle Public Utilities and accepting a Property Use and Development Agreement in relation herein, (CF 804814).

WHEREAS, there has been filed with the City Council the petition of the Fred Hutchinson Cancer Research Center (CF 804814) for the vacation of a portion of Ward Street between Yale Avenue North and Fairview Avenue North as herein fully described; and

WHEREAS, following a public hearing on said petition, which commenced on June 19, 2001, said petition was conditionally granted by the City Council; and

WHEREAS, pursuant to Section 35.79.030, RCW, and Seattle Municipal Code Chapter 16.82, the petitioners have paid the vacation fee of \$870,000 to the City, which amount is one-half the appraised value of the property approved for vacation, according to an appraisal obtained by the Director of Transportation; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That

That portion of Ward Street as laid out in the Supplemental Plat of D.T. Denny's Second Addition to North Seattle, according to the plat thereof, recorded in Volume 3 of Plats,

page 80, in King County, Washington, lying west of the west margin of Yale Avenue North and east of the easterly margin of Fairview Avenue North,

be and the same are hereby vacated; also, to make all necessary slopes for cuts or fills upon the above-described property in the reasonable original grading of any right-of-way abutting upon said property after said vacation.

Section 2. That the utility easement for Seattle Public Utilities, King County Recording Number 20031028002183, a copy attached hereto as Attachment A, is hereby accepted.

Section 3. That the Property Use and Development Agreement, King County Recording Number 20031119001860, a copy attached hereto as Attachment B, is hereby accepted.

Section 4. That the City Clerk is hereby authorized and directed to file a copy of this Ordinance at the King County Records and Elections Division, and to deliver copies of the same to the Director of the Department of Planning and Development, and to the King County Assessor's Office.

Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 17th day of February, 2004, and signed by me in open session in authentication of its passage this 17th day of February, 2004.

Jan Drago

President of the City Council

Approved by me this 23rd day of February, 2004.

Gregory J. Nickels, Mayor

Filed by me this 24th day of February, 2004.

(Seal) Judith Pippin, City Clerk

Attachment A: Seattle Public Utilities Watermain Easement #20031028002183

Attachment B: Ward Street Property Use and Development Agreement #20031119001860

See City Clerk for attachments.

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, March 1, 2004.

3/1/100032

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